IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7724 OF 2005

Smt.Jayshree Rajaram Salvi Applicant

versus

The State of Maharashtra & another Respondents

Mr.Prakash Vare for applicant.

Mr.K.V.Saste, APP for respondents.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 30th November 2005

PC :

1. An FIR has been lodged on 3rd November 2005 by the mother-in-law of the deceased son of the present applicant against the applicant complaining that the applicant is guilty of offences punishable under sections 498A and 307 of IPC.. The incident in question is unfortunate inasmuch as the applicant lost her son and daughter-in-law on 1st November 2005.

2. There are two dying declarations of the daughter-in-law. However, it was come on record that the mother-in-law who lodged the FIR,

subsequently placed an affidavit before the Trial Court stating that the deceased Suvarna had, during her life time, dictated a statement to the applicant from the hospital bed alleging that the applicant was responsible for setting her on fire. Later on, the complainant mother-in-law has addressed a letter to the Deputy Commissioner of Police of the concerned Zone and narrated that this statement was made at the instance of the deceased daughter. Later on, she has realised that not only the daughter but the son-in-law of the complainant, has also lost his life in trying to save the life of the daughter-in-law of the complainant.

3. In my view, considering these facts and further that the applicant is a lady of 52 years of age working as Maidservant for her livelihood, the Trial Court should not have gone into all details and in the lengthy order virtually pronounced the applicant guilty. This is an application for anticipatory bail and the factors necessary for grant thereof, ought to be considered in the light of the investigation papers. It is not necessary to pronounce on the evidentiary value of the materials collected nor of the statements made in the FIR.. In the light

of the communication addressed to the DCP as also the affidavit of the complainant, this is a fit case where the applicant deserves to be enlarged on bail in the event of her arrest in the subject CR..

4. Accordingly, following order :-

(i) In the event of the arrest of the applicant in connection with C.R.No.676/2005 registered with Oshiwara Police Station, the applicant shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.5,000/- (Rs.Five thousand only) with one surety in the like sum;

(ii) The bail is granted subject to condition that the applicant will attend the concerned Police Station as and when summoned;

(iii) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Police Officer/Investigating Agency. The applicant shall not tamper with the prosecution

evidence.

(iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate Court for appropriate relief.

(vi) Application is disposed of in the above terms.

(S.C.DHARMADHIKARI, J.)